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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/624,253

Applicant(s)

MORIYA ET AL.

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-18 is/are rejected.
- 7) ☒ Claim(s) 7-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

Remarks

1. In response to communications filed on 11-December-2002, claims 1, 4, 10-11, 14, and 18 are amended as requested by applicant. Claims 1-18 are pending in the application.
2. Applicant is reminded that all changes made to the original specifications and the original claims should appear in the “marked-up” version of the amended specifications and amended claims in “underlined” format.

Throughout the amended specification, the terms “downloading”, and “download condition” have replaced the terms “delivery”, “delivering”, and “delivery condition” (contained in the original specification). Also, amended claims 1, 4, 10, 11, 14, and 18 recite “downloading system” (changed from “delivery system” in the respective original claims). In addition, amended claims 1 and 11 recite “download condition” (changed from “delivery condition” in the respective original claims). These changes are not “underlined” in the marked-up version of the amended specifications and amended claims.

The amended specification also includes “time-varying picture” (page 28, line 22) in place of “moving picture” (contained in the original specification). Also, amended claim 10 recites “time-varying picture” (changed from “moving picture” in the respective original claim). These changes are not “underlined” in the marked-up version of the amended specifications and amended claim.

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3. Applicant's replacements of "delivery" with "download" and replacements of "moving picture" with "time-varying picture" in the amended specifications and amended claims may be the results of the original translation from a foreign language not employing the best terms. From the full context of the specification it is clear that "downloading" has the same characterization as "delivering". It is also clear that "time-varying picture" has the same characterization as "moving picture". Therefore, these changes in terminology do not introduce any new matter and "downloading" is given the same examination weight as "delivering". Similarly, "time-varying picture" is given the same examination weight as "moving picture".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-6 and 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiyama et al (U.S. Patent No. 6,269,379) in view of Vaithilingam et al (U.S. Patent No. 6,411,724.)
- As to claim 1, Hiyama et al teaches an image retrieving and downloading system (see column 10, lines 26-28), comprising:
- a data base for registering an image (see column 1, lines 11-16) including a static picture (see column 1, lines 11-16, where "static picture" is read on "medical image") with a feature

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descriptor or a plurality of feature descriptors of the image (see column 6, lines 24-27, where “image descriptor or a plurality of image descriptors” is read on “image data”).

image retrieving means for retrieving the feature descriptor or the feature descriptors registered in the data base according to a retrieval condition input by a user and obtaining a retrieval result satisfying the retrieval condition (see column 6, lines 59-65); and

contents additional service means for editing (see column 12, lines 14-20) and processing (see column 12, lines 55-59) the retrieval result according to a download condition obtained from a user terminal side on which the retrieval result is to be received (see column 12, lines 45-54.)

Hiyama et al does not teach the system including a moving picture.

Vaithilingam et al teaches a multi-media information retrieval system using meta descriptors (see Abstract), in which he teaches the system including a moving picture (see column 12, lines 51-62, where “moving picture” is read on “MPEG-7” and “moving images”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al to include a moving picture.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al by the teaching of Vaithilingam et al, because including a moving picture would enable the system to capture (store), retrieve, edit, and process moving images from a video unit as well as still images.

As to claim 2, Hiyama et al as modified teaches wherein the contents additional service means comprises terminal information obtaining means (see Hiyama et al, column 4, lines 20-27) for obtaining terminal information of the user terminal as the delivery condition (see Hiyama et al, column 13, line 66 through column 14, line 2.)

As to claim 3, Hiyama et al as modified teaches wherein the contents additional service means produces data, which relates to the retrieval result and of which the reception in the user terminal is possible, according to the delivery condition specified by the user and transmits the data to the user terminal before the transmission of the retrieval result (see Hiyama et al, column 11, lines 19-39.)

As to claim 4, Hiyama et al as modified does not teach the system further comprising:
contents description meta-data producing means for extracting a feature degree of each of a plurality of input images and format information of the input image and producing a feature descriptor or a plurality of feature descriptors of each input image; and
data storing unit for registering the feature descriptor or the feature descriptors produced by the contents description meta-data producing means and the input image relating to the feature descriptor or the feature descriptors in the data base.

Vaithilingam et al, in another embodiment of his invention, teaches:

contents description meta-data producing means (see column 4, line 66 through column 5, line 4) for extracting a feature degree of each of a plurality of input images (see column 12, lines 15-23) and format information of the input image and producing a feature descriptor

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or a plurality of feature descriptors of each input image (see column 12, line 66 through column 13, line 4); and

data storing unit for registering the feature descriptor or the feature descriptors produced by the contents description meta-data producing means and the input image relating to the feature descriptor or the feature descriptors in the data base (see column 7, lines 38-56, where “registering” is read on “storage”).)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al to include the system further comprising: contents description meta-data producing means for extracting a feature degree of each of a plurality of input images and format information of the input image and producing a feature descriptor or a plurality of feature descriptors of each input image; and data storing unit for registering the feature descriptor or the feature descriptors produced by the contents description meta-data producing means and the input image relating to the feature descriptor or the feature descriptors in the data base.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, by the further teachings of Vaithilingam et al, because contents description meta-data producing means for extracting a feature degree of each of a plurality of input images and format information of the input image and producing a feature descriptor or a plurality of feature descriptors of each input image; and data storing unit for registering the feature descriptor or the feature descriptors produced by the contents description meta-data producing means and the input image relating to the feature descriptor or the feature descriptors in the data base, would enable the system

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to capture the image related data (description information) along with the images after images are processed and edited.

As to claim 5, Hiyama et al as modified teaches wherein the contents additional service means comprises:

converting means for converting an image format and an output format in the image of the retrieval result into those suitable for the terminal information of the user terminal (see Hiyama et al, column 3, line 50 through column 4, line 11);

replacing means for replacing the retrieval result not suitable for the terminal information with substitutive data suitable for the terminal information (see Hiyama et al, column 12, lines 45-64.)

Hiyama et al as modified does not teach filtering means for performing no transmission of the retrieval result which does not suit the terminal information.

Vaithilingam et al, in another embodiment of his invention teaches filtering means for performing no transmission of the retrieval result which does not suit the terminal information (see column 13, line 65 through column 14, line 7.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified to include filtering means for performing no transmission of the retrieval result which does not suit the terminal information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, by the further teaching of

Vaithilingam et al, because filtering means for performing no transmission of the retrieval result which does not suit the terminal information, would result in a more accurate and precise retrieval of the desired image by specifically searching for the desired descriptor satisfying the image.

As to claim 6, Hiyama et al as modified teaches wherein the contents additional service means transmits the retrieval result, which is not edited or processed, to another terminal specified by the user in advance when the retrieval result is edited and processed according to the terminal information of the user terminal (see Hiyama et al, column 3, line 66 through column 4, line 11.)

As to claim 9, Hiyama et al as modified teaches wherein the contents additional service means produces the data, which relates to the retrieval result and of which the reception in the user terminal is possible, according to copyright information and/or a distribution condition of the image of the retrieval result (see Vaithilingam et al, column 12, lines 43-50.)

As to claim 10, Hiyama et al teaches an image retrieving and downloading system (see column 10, lines 26-28), comprising:

a data base for registering an image (see column 1, lines 11-16) including a static picture (see column 1, lines 11-16, where “static picture” is read on “medical image”) with a feature descriptor or a plurality of feature descriptors of the image (see column 6, lines 24-27, where “image descriptor or a plurality of image descriptors” is read on “image data”).

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image retrieving means for retrieving the feature descriptor or the feature descriptors according to a retrieval condition input by a user and obtaining a retrieval result satisfying the retrieval condition (see column 6, lines 59-65);

output control means for transmitting the retrieval result and the feature descriptor or the feature descriptors relating to the retrieval result to a user terminal (see column 4, lines 20-67); and

contents description meta-data analyzing means, arranged in the user terminal, for analyzing the feature descriptor or the feature descriptors transmitted from the output control means and determining whether or not the retrieval result is to be received (see column 8, lines 44-59, where “analyzing” is read on “the result of determination”).)

Hiyama et al does not teach the system including a time-varying picture, and does not teach registering the feature descriptor or the feature descriptors in the data base.

Vaithilingam et al teaches a multi-media information retrieval system using meta descriptors (see Abstract), in which he teaches the system including a time-varying picture (see column 12, lines 51-62, where “time-varying pictures” is read on “MPEG-7” and “moving images”); and further teaches registering the feature descriptor or the feature descriptors in the data base (see column 7, lines 38-56, where “registering” is read on “storage”).)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al to include a time-varying picture; and to include registering the feature descriptor or the feature descriptors in the data base.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al by the teaching of Vaithilingam et al, because including a time-varying picture would enable the system to capture (store), retrieve, edit, and process moving images from a video unit as well as still images; and because registering the feature descriptor or the feature descriptors in the data base would enable the system to capture the image related data (description information) along with the images after images are processed and edited.

As to claim 11, Hiyama et al teaches an image retrieving and downloading method (see Abstract), comprising:

an image retrieving step (see column 1, lines 11-16) of retrieving a feature descriptor or a plurality of feature descriptors of an image according to a retrieval condition input by a user and obtaining a retrieval result satisfying the retrieval condition (see column 2, lines 21-25); and

a contents additional service step of editing (see column 12, lines 14-20) and processing (see column 12, lines 55-59) the retrieval result according to a download condition obtained from a user terminal side on which the retrieval result is to be received (see column 12, lines 45-54.)

Hiyama et al does not teach registering the feature descriptor or a plurality of feature descriptors in a data base.

Vaithilingam et al teaches a multi-media information retrieval system using meta descriptors (see Abstract), in which he teaches registering the feature descriptor or a plurality

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of feature descriptors in a data base (see column 7, lines 38-56, where “registering” is read on “storage”.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al to include registering the feature descriptor or a plurality of feature descriptors in a data base.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, by the teachings of Vaithilingam et al, because registering the feature descriptor or a plurality of feature descriptors in a data base would enable the system to capture the image related data (description information) along with the images after images are processed and edited.

As to claim 12, Hiyama et al as modified teaches wherein the contents additional service step includes a step of obtaining terminal information (see Hiyama et al, column 4, lines 20-27) of the user terminal as the delivery condition (see Hiyama et al, column 13, line 66 through column 14, line 2.)

As to claim 13, Hiyama et al as modified teaches wherein the contents additional service step includes a step of producing data, which relates to the retrieval result and of which the reception in the user terminal is possible, according to the delivery condition specified by the user and a step of transmitting the data to the user terminal before the transmission of the 5 retrieval result (see Hiyama et al, column 11, lines 19-39.)

As to claim 14, Hiyama et al as modified does not teach the method further comprising:
a contents description meta-data producing step of extracting a feature degree of the image and format information of the image when the image is input and producing the feature descriptor or the feature descriptors; and

a data storing step of registering the feature descriptor or the feature descriptors produced in the contents description meta-data producing step and the input image in the data base.

Vaithilingam et al, in another embodiment of his invention, teaches:

a contents description meta-data producing step (see column 4, line 66 through column 5, line 4) of extracting a feature degree of the image (see column 12, lines 15-23) and format information of the image when the image is input and producing the feature descriptor or the feature descriptors (see column 12, line 66 through column 13, line 4); and

a data storing step of registering the feature descriptor or the feature descriptors produced in the contents description meta-data producing step and the input image in the data base (see column 7, lines 38-56, where “registering” is read on “storage”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al to include the system further comprising: a contents description meta-data producing step of extracting a feature degree of the image and format information of the image when the image is input and producing the feature descriptor or the feature descriptors; and a data storing step of registering the feature descriptor or feature descriptors produced in the contents description meta-data producing step and the input image in the data base.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, by the further teachings of Vaithilingam et al, because a contents description meta-data producing step of extracting a feature degree of the image and format information of the image when the image is input and producing the feature descriptor or the feature descriptors; and a data storing step of registering the feature descriptor or the feature descriptors produced in the contents description meta-data producing step and the input image in the data base would enable the system to capture the image related data (description information) along with the images after images are processed and edited.

As to claim 15, Hiyama et al as modified teaches wherein the contents additional service step includes at least one of a converting step of converting an image format and an output format in the image of the retrieval result into those suitable for the terminal information of the user terminal (see Hiyama et al, column 3, line 50 through column 4, line 11), and a replacing step of replacing the retrieval result not suitable for the terminal information with substitutive data suitable for the terminal information (see Hiyama et al, column 12, lines 45-64.)

Hiyama et al as modified does not teach filtering means for performing no transmission of the retrieval result which does not suit the terminal information.

Vaithilingam et al, in another embodiment of his invention teaches filtering means for performing no transmission of the retrieval result which does not suit the terminal information (see column 13, line 65 through column 14, line 7.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified to include filtering means for performing no transmission of the retrieval result which does not suit the terminal information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, by the further teaching of Vaithilingam et al, because filtering means for performing no transmission of the retrieval result which does not suit the terminal information, would result in a more accurate and precise retrieval of the desired image by specifically searching for the desired descriptor satisfying the image.

As to claim 16, Hiyama et al as modified teaches wherein the contents additional service step includes a step of transmitting the retrieval result, which is not edited or processed, to another terminal specified by the user in advance when the retrieval result is edited and processed according to the terminal information of the user terminal (see Hiyama et al, column 3, line 66 through column 4, line 11.)

As to claim 17, Hiyama et al as modified teaches wherein the contents additional service step includes a step of producing the data, which relates to the retrieval result and of which the reception in the user terminal is possible, according to copyright information and/or a distribution condition of the image of the retrieval result (see Vaithilingam et al, column 12, lines 43-50.)

As to claim 18, Hiyama et al teaches an image retrieving and downloading method (see Abstract), comprising:

an image retrieving step (see column 1, lines 11-16) of retrieving a feature descriptor or a plurality of feature descriptors of an image according to a retrieval condition input by a user and obtaining a retrieval result satisfying the retrieval condition (see column 2, lines 21-25); and

an output control step of transmitting the retrieval result and the feature descriptor or the feature descriptors relating to the retrieval result to a user terminal (see column 4, lines 20-67); and

a contents description meta-data analyzing step of analyzing the feature descriptor or the feature descriptors transmitted in the output control step and determining on the user terminal side whether or not the retrieval result is to be received (see column 8, lines 44-59, where “analyzing” is read on “the result of determination”).)

Hiyama et al does not teach registering the feature descriptor or a plurality of feature descriptors in the data base.

Vaithilingam et al teaches a multi-media information retrieval system using meta descriptors (see Abstract), in which he teaches registering the feature descriptor or a plurality of features descriptors in the data base (see column 7, lines 38-56, where “registering” is read on “storage”).)

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al to include registering the feature descriptor or a plurality of feature descriptors in the data base.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al by the teaching of Vaithilingam et al, because registering the feature descriptor or a plurality of feature descriptors in the data base would enable the system to capture the image related data (description information) along with the images after images are processed and edited.

Allowable Subject Matter

6. Claims 7-8 ^{are} ~~is~~ objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, Hiyama et al (U.S. Patent No. 6,269,379) and Vaithilingam et al (U.S. Patent No. 6,411,724), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

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wherein the contents additional service means comprises a plurality of editing means for respectively editing and processing the retrieval result not suitable for the terminal information of the user terminal, and the plurality of editing means are properly selectable in one of an image retrieval requiring side, an image retrieval performing side and a contents providing side on which the images are registered in the data base, as claimed in claim 7.

The prior art of record, Hiyama et al (U.S. Patent No. 6,269,379) and Vaithilingam et al (U.S. Patent No. 6,411,724), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

wherein the image format includes at least one of a coding method of the image of the retrieval result, a bit rate, a frame rate, a resolution degree and a file size, as claimed in claim 8.

Response to Arguments

8. Applicant's arguments filed on 11-December-2002 with respect to claims 1-18 have been fully considered but they are not found to be persuasive:

In response to applicant's argument that in Hiyama et al, "the judgment of the user is needed each time an image is processed and displayed", the argument has been fully considered but is found not to be persuasive, because Hiyama et al indicates this process being completed by the controller device 14, performing computation for this conversion (see column 9, lines 45-53.)

In response to applicant's arguments that Hiyama et al's "image data" is not an accurate characterization of the application's "descriptor of the image", the arguments have been fully considered but they are found to not be persuasive, because in Hiyama et al, "image data" contains characteristics of image features, such as image colors (see column 7, lines 17-23.)

In response to applicant's arguments that Hiyama et al "does not teach or suggest the use of a plurality of feature descriptors", the argument has been fully considered but is found to not be persuasive, because Hiyama et al teaches "a plurality of feature descriptors" in retrieving the images "according to a plurality of parameters" (see column 13, lines 38-42.)

In response to applicant's arguments that Hiyama et al fails to disclose "editing and processing the retrieval result according to a download condition obtained from a user terminal", the arguments have been fully considered but are found to not be persuasive, because Hiyama et al teaches a "retrieval condition input step, at which a predetermined retrieving condition to specify desired image data among the image data stored as the image file in said file storage means is inputted" (see column 13, line 66 through column 14, line 2.)

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Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

February 5, 2003


DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100